

Form 109 (Rule 22-2(2) and (7))



This is the 4th Affidavit  
of Thomas Jackson in this case  
and was made on May 1, 2023

No. **S-231354**  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,  
R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*,  
S.B.C. 2002, c. 57, AS AMENDED

AND

IN THE MATTER OF THE *CANADA BUSINESS CORPORATIONS ACT*,  
R.S.C. 1985, c. C-44, AS AMENDED

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF  
CANWEST AEROSPACE INC. AND CAN WEST GLOBAL AIRPARTS INC.

**PETITIONERS**

**AFFIDAVIT**

I, Thomas Jackson, of Hangar #12, Unit 200, 5225 216th Street, Langley, British Columbia, Businessman, AFFIRM THAT:

1. I am a director and officer of each of the Petitioners, CanWest Aerospace Inc. ("**CW Aerospace**") and Can West Global Airparts Inc. ("**CW Airparts**", and collectively with CW Aerospace, the "**Petitioners**") and as such have personal knowledge of the facts hereinafter deposed, except where such facts are stated to be based upon information and belief and where so stated I do verily believe the same to be true.

2. Until April 2023, the Petitioners occupied and operated out of a hangar facility at the Langley Regional Airport in Langley, BC (the "**Langley Premises**"), pursuant to a lease (the "**Lease**") with Helo Investments Ltd. (the "**Landlord**"). CW Aerospace is the tenant under the Lease.

3. The term of the Lease ended on December 31, 2022. At the time, CW Aerospace was attempting to negotiate a renewal of the Lease, though unfortunately, that did not occur, and arrangements were made with the Landlord to extend the Lease on a month-to-month basis through to May 31, 2023, to allow the Petitioners time to vacate the Langley Premises.

4. On or around February 27, 2023, the Landlord provided a formal eviction notice to CW Aerospace, a copy of which is attached hereto as **Exhibit "A"** (the "**Eviction Notice**"), contrary to the arrangement to allow the Petitioners until May 31, 2023 to vacate the Langley Premises.

5. The Eviction Notice stated that CW Aerospace was required to deliver up possession of the Langley Premises on March 31, 2023. As further explained below, it would have been impossible for the Petitioners to move out within this time frame.

6. CW Aerospace had always been current on rent payments during the term of the Lease, though it has not paid rent for April and May due to the on going dispute over the Lease with the Landlord.

7. On March 8, 2023, the Court granted the Initial Order commencing these CCAA proceedings (the "**Initial Order**"), and on March 17, 2023, the Court granted the Amended and Restated Initial Order in these CCAA proceedings (the "**ARIO**").

8. On April 1, 2023, a bailiff acting on behalf of the Landlord (the "**Bailiff**") locked the Petitioners out of the Premises. The Bailiff asked me to provide a plan to move out, and I said we needed to get a new commercial space first.

9. On April 5, 2023, FTI Consulting Canada Inc. in its capacity as court-appointed monitor in these CCAA proceedings (the "**Monitor**") filed the Second Report of the Monitor, which contained an adverse change report related to the eviction, which contained the following statement on Page 8:

The Monitor contacted the landlord to advise of the stay of proceedings. The landlord responded that despite the ARIO, they had provided a notice to the tenant prior to the commencement of the CCAA proceedings, requesting the Petitioners to vacate the premises prior to March 31, 2023.

10. On April 12, 2023, I informed the Bailiff that CW Aerospace had secured a new commercial space and I provided a time line to move out of the Langley Premises. This plan detailed that we needed up to three weeks to move out due to the amount of inventory, equipment and aircraft that had to be removed. The Bailiff told me he was not authorized to approve the plan and had to seek approval from the Landlord.


11. It would not have been possible to move out of the Langley Premises in less time than this. There are internal structures owned by CW Aerospace in the Langley Premises such as a paint booth and cleaning rooms that would require an electrician and HVAC mechanic among others to carry out disconnection before we could start disassembly and relocation. In addition, several aircraft will need to be moved with crane trucks and/or assembled to be flown out. This work cannot be performed in a condensed timeline.


12. On April 17, 2023, the Bailiff emailed in response, stating that he no longer acted on behalf of the Landlord and no longer had access to the Langley Premises. This correspondence is attached hereto as **Exhibit "B"**.

13. As of yet, the Petitioners have been unable to access the Langley Premises to retrieve their assets and their customers' assets. Much of the Petitioners' equipment, tools, and parts along with aircrafts belonging to several different customers are still locked up in the Langley Premises, and the Petitioners have been unable to complete contracts related to these aircrafts as a result. This has resulted in lost revenue to the Petitioners in excess of USD\$175,000.

14. I have also been advised by MAR ONE Aviation, L.L.C., the proposed purchaser of the Petitioners' in these CCAA proceedings (the "**Purchaser**"), through its principal, David Marone, that the Purchaser has concerns with completing the purchase of the Petitioners as a result of the foregoing.

15. I swear this Affidavit in support of the Petitioners' application to allow the Petitioners' continued access to the Langley Premises to retrieve their assets and their customers' assets.

AFFIRMED BEFORE ME  
at Vancouver, British Columbia,  
on May 1, 2023  
  
  
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A Commissioner for taking Affidavits for British  
Columbia  
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**THOMAS JACKSON**

**NICK CARLSON**  
*Barrister & Solicitor*  
**CLARK WILSON LLP**  
900 - 885 WEST GEORGIA STREET  
VANCOUVER, BC V6C 3H1  
T. 604.687.5700

# HELO INVESTMENTS LTD.

19080 - 96th AVENUE, SURREY, B.C. V4N 3R3  
TELEPHONE: (604) 888-4041 FAX: (604) 888-4732

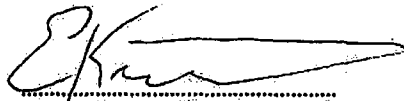
## Notice to Tenant

To: Canwest Aerospace Inc.

Attn: Tom Jackson

I hereby give you notice to deliver up possession of the premises Hangar #12 Unit 200 5225 216th Street, Langley, BC that you hold of me as tenant, on March 31, 2023.

Dated February 27, 2023.



Landlord

Helo Investments Ltd.

This is Exhibit A referred to in the affidavit of  
Thomas Jackson sworn (or affirmed)  
before me on 01/May/2023 [dd/mm/yyyy]  
[Signature]  
A Commissioner for taking Affidavits  
within British Columbia

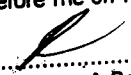
**Tara Lundy**

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**From:** Tom Jackson  
**Sent:** Monday, April 17, 2023 8:51 AM  
**To:** Tara Lundy  
**Subject:** FW: Lot 12 - Helo/FOD

Sent from my Samsung Galaxy smartphone.

Tom Jackson  
 President  
 CanWest Aerospace Inc.

This is Exhibit B referred to in the affidavit of  
Thomas Jackson sworn (or affirmed)  
 before me on 01/May/2023 [dd/mmm/yyyy]  
  
Mike Carlson  
 A Commissioner for taking Affidavits  
 within British Columbia

----- Original message -----

**From:** Darcy Van Ieperen <darcy@repobc.com>  
**Date:** 2023-04-17 7:42 a.m. (GMT-08:00)  
**To:** Tom Jackson <tomj@canwestaerospace.com>  
**Cc:** Tara Lundy <taral@canwestaerospace.com>, Tony M <tonym@canwestaerospace.com>  
**Subject:** RE: Lot 12 - Helo/FOD

Hi Tom,

This email is to inform you that Elite Bailiffs is no longer acting on behalf of Helo Investments Ltd. regarding the Canwest Aerospace Inc termination. The keys have been turned over to the landlord and our file has been closed. Please contact Helo Investments directly to make the necessary arrangements to remove goods.

Thank you,  
 Darcy Van Ieperen

### **Elite Bailiff Services Ltd.**

#2 - 5498 Production Blvd.  
 Surrey, BC, V3S 8P5  
[www.repobc.com](http://www.repobc.com)

Phone: 604-539-9900  
 Cell: 778-956-7376  
 Fax: 604-539-5678

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**From:** Tom Jackson <tomj@canwestaerospace.com>  
**Sent:** Friday, April 14, 2023 1:16 PM  
**To:** Darcy Van Ieperen <darcy@repobc.com>  
**Cc:** Tara Lundy <taral@canwestaerospace.com>; Tony M <tonym@canwestaerospace.com>  
**Subject:** RE: Lot 12 - Helo/FOD

Hi Darcy,

Yes we are serious, this is the plan, below emailed to you on April 12<sup>th</sup>.

We need access as soon as possible. We need your approval before we can execute our plan. We would like to have access all day, every day for approximately 3 weeks, full time 8am to 8pm.

We want to vacate as soon as possible.

The Company is losing revenue every day and Shaun Heaps telling the staff he has filed a police report because we are stealing parts. Darcy those parts belong to CanWest Aerospace.

When I phoned you today at 12:39pm I had not read your email and was unaware you had responded, sorry for the confusion.

We would like to start on Monday April 17<sup>th</sup> at 8am and await our approval.

Regards,

**Tom Jackson** - President/Director of Maintenance

**CanWest Aerospace Inc.**

Hangar # 12 Unit 200 5225-216th Street, Langley BC V2Y 2N3  
Phone: 604-532-0322 | Cell: 604-313-4217 | Fax: 604-539-5592  
AMO# 104-06 EASA# 145.7242  
[www.canwestaerospace.com](http://www.canwestaerospace.com)  
Cage Code LOE83



***'Ensuring Safety & Reliability'***

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**From:** Darcy Van Ieperen <[darcy@repobc.com](mailto:darcy@repobc.com)>  
**Sent:** Friday, April 14, 2023 12:34 PM  
**To:** Tom Jackson <[tomi@canwestaerospace.com](mailto:tomi@canwestaerospace.com)>  
**Cc:** Tara Lundy <[taral@canwestaerospace.com](mailto:taral@canwestaerospace.com)>; Tony M <[tonym@canwestaerospace.com](mailto:tonym@canwestaerospace.com)>  
**Subject:** Re: Lot 12 - Helo/FOD

Are you being serious Tom?  
Since day 1 I have told you to get a crew together and let me know when you want in to remove your goods.  
I have also accommodated every request for short period access.

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**From:** Tom Jackson <[tomj@canwestaerospace.com](mailto:tomj@canwestaerospace.com)>  
**Sent:** Friday, April 14, 2023 11:48 AM  
**To:** Darcy Van Ieperen <[darcy@repobc.com](mailto:darcy@repobc.com)>  
**Cc:** Tara Lundy <[taral@canwestaerospace.com](mailto:taral@canwestaerospace.com)>; Tony M <[tonym@canwestaerospace.com](mailto:tonym@canwestaerospace.com)>  
**Subject:** RE: Lot 12 - Helo/FOD

Good Afternoon Darcy,

We need to make arrangements to move out and I have not heard anything from your end when we can start planning and organizing man power. Please let us know.

Regards,

Tom Jackson - President/Director of Maintenance

**CanWest Aerospace Inc.**

Hangar # 12 Unit 200 5225-216th Street, Langley BC V2Y 2N3  
Phone: 604-532-0322 | Cell: 604-313-4217 | Fax: 604-539-5592  
AMO# 104-06 EASA# 145.7242  
[www.canwestaerospace.com](http://www.canwestaerospace.com)  
Cage Code LOE83



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**From:** Darcy Van Ieperen <[darcy@repobc.com](mailto:darcy@repobc.com)>  
**Sent:** Thursday, April 13, 2023 9:40 AM  
**To:** Tom Jackson <[tomj@canwestaerospace.com](mailto:tomj@canwestaerospace.com)>  
**Cc:** Tara Lundy <[taral@canwestaerospace.com](mailto:taral@canwestaerospace.com)>; Tony M <[tonym@canwestaerospace.com](mailto:tonym@canwestaerospace.com)>  
**Subject:** RE: Lot 12 - Helo/FOD

Hi Tom,

Email received.

Let me review my schedule today and I will let you know when I can have someone available to meet Tony.

Thank you,  
Darcy Van Ieperen

## Elite Bailiff Services Ltd.

#2 - 5498 Production Blvd.  
Surrey, BC, V3S 8P5  
[www.repobc.com](http://www.repobc.com)

Phone: 604-539-9900  
Cell: 778-956-7376  
Fax: 604-539-5678

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**From:** Tom Jackson <[tomj@canwestaerospace.com](mailto:tomj@canwestaerospace.com)>  
**Sent:** Wednesday, April 12, 2023 3:17 PM  
**To:** Darcy Van Ieperen <[darcy@repobc.com](mailto:darcy@repobc.com)>  
**Cc:** Tara Lundy <[taral@canwestaerospace.com](mailto:taral@canwestaerospace.com)>; Tony M <[tonym@canwestaerospace.com](mailto:tonym@canwestaerospace.com)>  
**Subject:** RE: Lot 12 - Helo/FOD

Good Afternoon Darcy,

We finally have our commercial space available for Monday 17<sup>th</sup>. We would like to start packing on Friday this week.

The time frame will be 2 to 3 weeks depending on how much access we have to the place. Typically when we move we can come and go at our own pace, work 7 days a week and late in the evenings. Since we have no control on availability and schedule it will be hard to accurately determine at this point.

We also have one aircraft that cannot fly out and requires one day to be finished. We would need to be able to do this. If not the aircraft wings will have to be removed and special transport cost will be required and will only delay the move out even more.

Tony my sales Manager would like to come by tomorrow off possible for 20 min. to 30 min. to get some documents out of the building and some parts that were left behind. Please let us know if this is possible. I have copied him in this email as well.

Let me know the schedule so we can make our plans.

Regards,

**Tom Jackson** - President/Director of Maintenance

### CanWest Aerospace Inc.

Hangar # 12 Unit 200 5225-216th Street, Langley BC V2Y 2N3  
Phone: 604-532-0322 | Cell: 604-313-4217 | Fax: 604-539-5592  
AMO# 104-06 EASA# 145.7242  
[www.canwestaerospace.com](http://www.canwestaerospace.com)  
Cage Code LOE83



***'Ensuring Safety & Reliability'***



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**From:** Darcy Van Ieperen <[darcy@repobc.com](mailto:darcy@repobc.com)>  
**Sent:** Thursday, April 6, 2023 10:57 AM  
**To:** Tom Jackson <[tomj@canwestaerospace.com](mailto:tomj@canwestaerospace.com)>  
**Cc:** Tara Lundy <[taral@canwestaerospace.com](mailto:taral@canwestaerospace.com)>  
**Subject:** RE: Lot 12 - Helo/FOD

Hi Tom,

Thanks for the email.  
I can be there for 2:30 to allow access.

Thank you,  
Darcy Van Ieperen

### **Elite Bailiff Services Ltd.**

#2 - 5498 Production Blvd.  
Surrey, BC, V3S 8P5  
[www.repobc.com](http://www.repobc.com)

Phone: 604-539-9900  
Cell: 778-956-7376  
Fax: 604-539-5678

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**From:** Tom Jackson <[tomj@canwestaerospace.com](mailto:tomj@canwestaerospace.com)>  
**Sent:** Thursday, April 6, 2023 9:48 AM  
**To:** Darcy Van Ieperen <[darcy@repobc.com](mailto:darcy@repobc.com)>  
**Cc:** Tara Lundy <[taral@canwestaerospace.com](mailto:taral@canwestaerospace.com)>  
**Subject:** RE: Lot 12 - Helo/FOD

Good Morning Darcy,

We could take care of this in the Afternoon. I'm out looking at buildings for rent right now. I would like to come and take a few truckloads of stuff today. Please let me know what time after 2 is available for you. Should not be more than an hour.

Like I said we are trying to secure commercial space so we can organize movers, crane trucks, electricians, H-Vac people. This not a fast process, as you know. We also have a court date next Friday and the Supreme Court will decide the next steps. CanWest Aerospace is protected under the CCAA and we need to clear all of our actions through our Court Approved Monitor.

I will be there this afternoon this time and we can talk further in person if you like. We are are moving as fast as we can.

Regards,

**Tom Jackson - President/Director of Maintenance**

### **CanWest Aerospace Inc.**

Hangar # 12 Unit 200 5225-216th Street, Langley BC V2Y 2N3  
Phone: 604-532-0322 | Cell: 604-313-4217 | Fax: 604-539-5592

AMO# 104-06 EASA# 145.7242

[www.canwestaerospace.com](http://www.canwestaerospace.com)

Cage Code LOE83

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**From:** Darcy Van Ieperen <[darcy@repobc.com](mailto:darcy@repobc.com)>  
**Sent:** Thursday, April 6, 2023 9:30 AM  
**To:** Tom Jackson <[tomi@canwestaerospace.com](mailto:tomi@canwestaerospace.com)>  
**Subject:** FW: Lot 12 - Helo/FOD  
**Importance:** High

Hi Tom,

See below email received regarding debris behind the building.  
Do you have someone that can address the issue?

Thank you,  
Darcy Van Ieperen

**Elite Bailiff Services Ltd.**

#2 - 5498 Production Blvd.  
Surrey, BC, V3S 8P5  
[www.repobc.com](http://www.repobc.com)

Phone: 604-539-9900  
Cell: 778-956-7376  
Fax: 604-539-5678

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**From:** YNJ Leasing <[YNJleasing@tol.ca](mailto:YNJleasing@tol.ca)>  
**Sent:** April 3, 2023 10:40 AM  
**To:** Eric Kirwan <[eric@phaserfire.ca](mailto:eric@phaserfire.ca)>  
**Subject:** Lot 12 - Helo/FOD  
**Importance:** High

Good morning.

It has come to our attention that there are numerous amounts of plastic wrap around hangar 12 that could pose a problem to the safety of the airport. Can you please contact the appropriate individual to take care of removing all the plastic wrap so it doesn't lead to potential FOD. For your consideration I've attached a few relevant photos.

We appreciate your cooperation in helping keep the airport a safe place.

Thank you! Jenna

**Jenna Crees | Airport Business Coordinator**

Langley Regional Airport, CYNJ

Engineering Division | Township of Langley

Unit 305, 5385 216 St, Langley, BC V2Y 2N3

Office: 604.534.7330 [yni.tol.ca/](http://yni.tol.ca/)

Direct: 778.366.2017

